IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928

WP(C).No. 652 of 2007(C)

OPMV.2211/1998 of MOTOR ACCIDENT CLAIMS TRIBUNAL, THRISSUR
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PETITIONER:

ABDUL AZEEZ, S/O. PAREED,
VELUMPARAMBIL HOUSE, THANISSERY P.O.,
NEAR POWER HOUSE, THANISSERY-680 701.

BY ADV. SRI.P.K.ABOOBACKER(EDAPPALLY)

RESPONDENTS:
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1. THE DISTRICT COLLECTOR, TRICHUR.

2. THE TAHSILDAR,
MUKUNDAPURAM TALUK.

BY GOVERNMENT PLEADER SRI.M.A.FAYAZ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN, J.

W.P.(C) NO. 652 OF 2007

Dated this the 9th day of January, 2007

J U D G M E N T

Exhibit P1 is only a notice prior to attachment under Section 34 of the R.R. Act. Notice was issued to two persons, Shaji and Noushad. As such, this is not a demand notice issued to the petitioner. The contention of the petitioner is that based on Exhibit P1, the properties belonging to the petitioner is being proceeded with. As a matter of fact, this being only a notice prior to attachment, necessarily if the demand is not complied with, authorities has to issue a notice of attachment of the property and if that property against which attachment is made belongs to the petitioner, the petitioner has got a remedy to approach the District Collector by filing a claim petition, which will be disposed of in accordance with law. At this stage, I do not find any reason to quash Exhibit P1, P1 being issued not to the petitioner but to the son of the petitioner.

Writ petition is closed with the above observation.

P.R.RAMAN, JUDGE

Rp